

**IN THE CLAIMS:**

Please amend the claims as follows:

1. (Cancelled)
2. (Currently amended) A non-lethal temporarily incapacitating formulation suitable for use in an aerosol or spray application, said incapacitating ~~The formulation of claim 8~~ comprising:  
a solvent system comprising a mixture of propylene glycol esters of short chain fatty acids and glycerol tris (2-ethylhexanoate); and  
an incapacitating agent, wherein said incapacitating agent is an inflammatory agent,  
wherein said propylene glycol esters of short chain fatty acids is propylene glycol dicaprylate/caprate.
3. (Original) The formulation of claim 2 wherein said propylene glycol dicaprylate/caprate is present in an amount of 20 to about 80 % by weight of the solvent system.
4. (Original) The formulation of claim 2 wherein said propylene glycol dicaprylate/caprate is present in an amount of 45 to about 55 % by weight of the solvent system.
5. (Currently amended) The formulation of claim ~~8~~ 2, wherein said glycerol tris (2-ethylhexanoate) is present in an amount of 20 to about 80 % by weight of the solvent system.
6. (Currently amended) The formulation of claim ~~8~~ 2 wherein said glycerol tris (2-ethylhexanoate) is present in an amount of 45 to about 55 % by weight of the solvent system.
7. (Currently amended) The formulation of claim ~~8~~ 2 wherein said solvent system comprises approximately equal amounts of propylene glycol dicaprylate/caprate and glycerol tris (2-ethylhexanoate).
8. (Cancelled)

9. (Currently amended) ~~The A non-lethal temporarily incapacitating formulation suitable for use in an aerosol or spray application, said incapacitating formulation comprising: of~~ claim 2, wherein the

~~a solvent system comprising a mixture of propylene glycol esters of short chain fatty acids and glycerol tris (2-ethylhexanoate); and~~

an incapacitating agent is selected from the group consisting of synthetic capsaicin, natural capsaicin, dibenzoxazepine (CR), chloroacetophenone (CN), ortho-chlorobenzalmalononitrile (CS), oleoresin capscium (OC), oleoresin paprika, paprika, capsicums (chili peppers), trans-8-methyl-N-vanillyl-6-nonenamide (capsaicin), 8-methyl-N-vanillyl-nonamide (dihydrocapsaicin), 7-methyl-N-vanillyl-octamide (nordihydrocapsaicin), 9-methyl-N-vanillyl-decamide (homodihydrocapsaicin), trans-9-methyl-N-vanillyl-7-decenamide (homocapsaicin), (3R, 3p, 5pR)-3,3'-dihydroxy-a',k-caroten-6'-one (capsanthin), N-vanillyl-octamide, N-vanillyl-nonamide, N-vanillyl-decanamide, N-vanillyl-undecanamide, N-vanillyl-paaiperic acid amide, and mixtures thereof.

10. (Currently amended) ~~The A non-lethal temporarily incapacitating formulation suitable for use in an aerosol or spray application, said incapacitating formulation comprising: of~~ claim 2, wherein the

~~a solvent system comprising a mixture of propylene glycol esters of short chain fatty acids and glycerol tris (2-ethylhexanoate); and~~

an incapacitating agent is present in an amount of about 0.18% to about 3% by weight of the solvent system.

11. (Previously presented) The formulation of claim 10 wherein said incapacitating agent is present in an amount of about 1.4% to about 1.5% by weight of the solvent system.

12. (Previously presented) A non-lethal temporarily incapacitating formulation suitable for use in an aerosol or spray application, said incapacitating formulation comprising

a solvent system comprising a mixture of propylene glycol esters of short chain fatty acids and glycerol tris (2-ethylhexanoate);  
an incapacitating agent; and  
a propellant.

13. (Original) The formulation of claim 12 wherein said propellant is miscible in said solvent system.

14. (Original) The formulation of claim 12 wherein said propellant is carbon dioxide.

15. (Original) An aerosol spray system comprising a propellant and a solvent wherein said solvent comprises a mixture of propylene glycol dicaprylate/caprate and glycerol tris (2-ethylhexanoate) and wherein said propellant is miscible in said solvent.

16. (Original) The aerosol spray system of claim 15 wherein said propylene glycol dicaprylate/caprate is present in the amount of 45 to about 55 % and glycerol tris (2-ethylhexanoate) is present in the amount of 45 to about 55 % of said solvent.

17. (Original) The aerosol spray system of claim 15 wherein said solvent comprises approximately equal amounts of propylene glycol dicaprylate/caprate and glycerol tris (2-ethylhexanoate).

18. (Original) The aerosol spray system of claim 15 wherein said propellant is carbon dioxide.

19. (Original) The aerosol spray system of claim 15 further comprising an active ingredient to be dispensed by said aerosol spray system.

20. (Original) The aerosol spray system of claim 19 wherein said active ingredient is selected from the group consisting of resins, cosmetics, foods, tear gases, pepper based products,

pharmaceuticals, skin care preparations, sunscreen products, antiperspirants, bath oils, food additives, automotive products, household products, industrial products, insecticides, paints, and veterinary products.

21. to 33. (Cancelled)

34. (Previously presented) A method for incapacitating a subject, comprising:  
providing a non-lethal temporarily incapacitating formulation suitable for use in an aerosol or spray application, the incapacitating formulation comprising  
a solvent system comprising a mixture of propylene glycol esters of short chain fatty acids and glycerol tris (2-ethylhexanoate); and  
an incapacitating agent; and  
directing the non-lethal temporarily incapacitating formulation into the facial area of the subject.

35. (Previously presented) The method of claim 34, wherein said directing comprises spraying the non-lethal temporarily incapacitating formulation into the eyes of the subject.

36. (Previously presented) The method of claim 34, wherein the non-lethal temporarily incapacitating formulation further comprises a propellant.

37. (Previously presented) The method of claim 36 wherein said propellant is miscible in said solvent system.

38. (Previously presented) The method of claim 37 wherein said propellant is carbon dioxide.

39. (Previously presented) The method of claims 34 wherein the propylene glycol esters of short chain fatty acids is propylene glycol dicaprylate/caprate.

40. (Previously presented) The method of claim 39 wherein the propylene glycol dicaprylate/caprate is present in an amount of 20 to about 80 % by weight of the solvent system.

41. (Previously presented) The method of claim 39 wherein the propylene glycol dicaprylate/caprate is present in an amount of 45 to about 55 % by weight of the solvent system.

42. (Previously presented) The method of claim 34 wherein the glycerol tris (2-ethylhexanoate) is present in an amount of 20 to about 80 % by weight of the solvent system.

43. (Previously presented) The method of claim 34 wherein the solvent system comprises approximately equal amounts of propylene glycol dicaprylate/caprate and glycerol tris (2-ethylhexanoate).

44. (Previously presented) The method of claim 34, wherein the incapacitating agent is an inflammatory agent.

45. (Previously presented) The method of claim 44 wherein the incapacitating agent is selected from the group consisting of synthetic capsaicin, natural capsaicin, dibenzoxazepine (CR), chloroacetophenone (CN), ortho-chlorobenzalmalononitrile (CS), oleoresin capscium (OC), oleoresin paprika, paprika, capsicums (chili peppers), trans-8-methyl-N-vanillyl-6-nonenamide (capsaicin), 8-methyl-N-vanillyl-nonamide (dihydrocapsaicin), 7-methyl-N-vanillyl-octamide (nordihydrocapsaicin), 9-methyl-N-vanillyl-decanamide (homodihydrocapsaicin), trans-9-methyl-N-vanillyl-7-decenamide (homocapsaicin), (3R, 3p, 5pR)-3,3'-dihydroxy-a',k-caroten-6'-one (capsanthin), N-vanillyl-octamide, N-vanillyl-nonamide, N-vanillyl-decanamide, N-vanillyl-undecanamide, N-vanillyl-paaipeeric acid amide, and mixtures thereof.

46. (Previously presented) The method of claim 34 wherein the incapacitating agent is present in an amount of about 0.18% to about 3% by weight of the solvent system.

47. (Previously presented) The method of claim 46 wherein the incapacitating agent is present in an amount of about 1.4% to about 1.5% by weight of the solvent system.

48. (Currently amended) The formulation of claim 8 2, wherein the inflammatory agent is present in an effective amount to cause, upon application of the formulation to the facial area of a recipient, sufficient inflammation to temporarily disable the recipient.

49. (Currently amended) The formulation of claim 9, ~~wherein the incapacitating agent comprises an inflammatory agent, and~~ wherein the inflammatory agent is present in an effective amount to cause, upon application of the formulation to the facial area of a recipient, sufficient inflammation to temporarily disable the recipient.

50. (Previously presented) The formulation of claim 12, wherein the incapacitating agent comprises an inflammatory agent, and wherein the inflammatory agent is present in an effective amount to cause, upon application of the formulation to the facial area of a recipient, sufficient inflammation to temporarily disable the recipient.

51. (Previously presented) The aerosol spray system of claim 19 wherein said active ingredient comprises an inflammatory agent, and wherein the inflammatory agent is present in an effective amount to cause, upon application of the system to the facial area of a recipient, sufficient inflammation to temporarily disable the recipient.

52. (New) The method of claim 34 wherein said incapacitating agent comprises an inflammatory agent, and wherein the inflammatory agent is present in an effective amount to cause, upon application of the system to the facial area of a recipient, sufficient inflammation to temporarily disable the recipient.